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IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF UTAH
CENTRAL DIVISION

<p>DARRELL GARCIA,</p> <p style="text-align: center;">Plaintiff,</p> <p>v.</p> <p>PATTERSON - UTI DRILLING COMPANY, LLC,</p> <p style="text-align: center;">Defendant,</p>	<p>COMPLAINT</p> <p>Case No.:</p> <p>Judge:</p>
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Plaintiff alleges:

1. That jurisdiction is found in this Court by virtue of 29 U.S.C. § 216(b) for Plaintiffs' claims under the Fair Labor Standards Act (FLSA).
2. That the Plaintiff is a resident of Salt Lake County, Utah.
3. That the Defendant is a Texas corporation authorized to do business in the state of Utah.

4. That the Defendant employed the Plaintiff in Uintah County, Utah and elsewhere and that venue is, therefore, appropriate in this Court.

5. Plaintiff was, at all relevant times, an employee of the Defendant as that term is defined by the FLSA.

6. Defendant was, at all relevant times, an employer of the Plaintiff as that term is defined by the FLSA.

7. Plaintiff's job was that of a floor hand on Defendant's oil drilling rigs.

8. Defendant required that Plaintiff arrive ahead of his scheduled shift time to participate in a mandatory before shift safety meeting after which Plaintiff was allowed to change his clothes and begin work on the rig.

9. Defendant required that Plaintiff wait after working on the drilling rig, change his clothes, and then participate in a mandatory after shift safety meeting before being allowed to leave.

10. Defendant paid Plaintiff for 12.5 hours per shift though the actual time spent by the Plaintiff from the beginning of the before shift safety meeting until after the after shift safety meeting averaged 13.25 hours per shift.

11. That the Defendant compensated Plaintiff on an hourly basis at \$26.50 per hour and that during the period of time not exceeding three (3) years from the date of the filing of this Complaint, said Plaintiff worked approximately 420 hour hours of overtime as a result of the safety meeting requirement for which Plaintiff was not compensated, and that the Defendant is, therefore liable to said Plaintiff for unpaid overtime in a total amount not less than \$16,695.00.

12. That Plaintiff in said employment, was covered by the provisions of the Fair Labor

Standards Act, 29 U.S.C Section 201 et.seq., and particularly the maximum hour provisions thereof, 26 U.S.C. § 207, and was not exempted therefrom.

13. That the Defendant knew, or showed reckless disregard for the fact, that Plaintiff was in the category of employees to whom overtime should have been paid, and knew, through its employees, managers, and officers, that said Plaintiff was, in fact, working uncompensated overtime, and that the Defendant's violation of the Fair Labor Standards Act was willful and not in good faith, and that the Defendant is, therefore, liable to the Plaintiff for liquidated damages in an amount equal to the unpaid overtime.

14. The Plaintiff is further entitled to an order of this court enjoining the Defendant from violating the Act in the future.

15. That, as a result of the wrongful actions of the Defendant as specifically set forth above, the Defendant is obligated to pay the Plaintiff's attorney's fees herein, as authorized by the FLSA in such amount as may be shown by proof at the time of trial.

WHEREFORE, Plaintiff prays judgment against the Defendant as follows:

1. For unpaid overtime due Plaintiff of not less than \$16,695.00 in overtime, and not less than \$16,695.00 in liquidated damages;
2. For attorney's fees of in amounts as may be shown by proof at the time of trial;
3. For interest on the foregoing judgment at the legal rate and for such other relief as the Court deems just and equitable.

DATED this 16th day of August, 2011.

/s/ Robert H Wilde _____
ROBERT H. WILDE
Attorney for Plaintiff